IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 14961 of 1998

Between:

K.Satyanarayana, S/o. Nagaraju,
Teaching Assistant, Dept. of Politics &

Public Admn., AU MSN PG Centre,

Kakinada, C/o. Tirupathi Rao (B.T.Garu),
Thimmapuram, Kakinada.

..... PETITIONER

AND

1. The Vice-Chancellor,
   Andhra University, Waltair,
   Visakhapatnam, A.P.

2. The Registrar,
   Andhra University, Waltair,
   Visakhapatnam, A.P.

3. Special Officer,
   Dept., of Politics & Public Admn.,

AU MSN PG Centre, Kakinada.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus

declaring the action of the respondents in issuing proceedings No. S.II(1)/Misc./95, dated 16/05/1998 and not regularising the services of the petitioner as lecturer as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and further declare that the petitioner is entitled for regularisation of the services as Lecturer, Andhra University.

Counsel for the Petitioner: MR.M.VIJAY KUMAR

Counsel for the Respondent: MR.P.B.VIJAYA KUMAR

The Court made the following:

ORDER:

This writ petition is filed seeking writ of Mandamus, declaring the action of the respondents in issuing the proceedings No.S.II(1)/Misc./95, dated 16.05.1998, wherein the services of the petitioner as Teaching Assistant on temporary basis was dispensed with with effect from 09.05.1998, as illegal and arbitrary and further seeking to direct the respondents to regularize his services.

2. It is the case of the petitioner, he obtained post-graduate degree in Public Administration in first class and submitted thesis for awarding Ph.D., in Public Administration. While so, in response to a notification issued by the Andhra University in the year 1993 for recruitment to the post of Assistant Director, School of Correspondence Course in the University, the petitioner applied and was selected by a duly constituted select committee and he was at serial No.2 in the list of the selected candidates. Since the first person did not join the post offered to him, the respondents ought to have automatically offered the said post to the petitioner alone. But such a course of action was not adopted by the respondents and when the petitioner made representations, he was promised that he would be appointed as Assistant Director and in the meanwhile he was appointed as Teaching Assistant in Post-graduate Centre, at Kakinada, through proceedings No.S.II(1)/Misc./95, dated 09.05.1995 of the first respondent on a consolidated pay of Rs.2,000/- per month. Since 1995, the petitioner has been working to the utmost satisfaction of the one and all and discharging the duties of lecturer and in fact he is fully qualified to hold the post of lecturer. However, the respondent No.1 is extracting the services of the

petitioner as a lecturer, but did not regularize his services in the cadre of lecturer, though vacancies are available. While so, without any notice, without there being any necessity or compulsion, the petitioner was sought to be relieved with effect from 09-05-1998 through the impugned proceedings dated 16.05.1998 which is arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India.

3. Though no counter is filed, the learned counsel Sri P.B. Vijaya Kumar appearing for respondents-university strenuously contends that the petitioner has not accrued any right for being considered to the post of lecturer on the regular basis. The regular appointment of lecturer is done in pursuance to the notification issued by the university and as and when such notification is issued, the petitioner is at liberty to apply for the said post and compete along with others. The petitioner has no right to seek regularization of his services in the cadre of Teaching Assistant in the Department of Politics and Public Administration of Andhra University, MSN PG Centre, Kakinada.

4. I have given my earnest consideration to the respective submissions of the learned counsel on either side and I have looked into the material placed on record.

5. The only case of the petitioner is that as early as in 1993 when a notification was issued, he was selected and placed at serial No.2 and though the person at serial No.1 did not join, petitioner was not offered employment. So far as that was concerned, some where in the year 1993 there was no relief sought for against such cause of action. The petitioner admittedly accepted the employment offered to him on 19.05.1995 and joined as a Teaching Assistant in the Post Graduate Centre, at Kakinada. The only thing is, the petitioner while working as Post Graduate Teaching Assistant (temporary), his services are sought to be terminated by the impugned order. Of course, the impugned order does not give any reasons for dispensing the services of the petitioner, except stating that the term appointing him as Teaching Assistant is expired. It is nowhere stated that there was no vacancy available and the petitioner could not be accommodated.

6. At the time of admission of this petition, by way of interim order, this court directed the respondents to continue the petitioner as Teaching Assistant, if he is in service as on date pending further orders. It is asserted by the learned counsel for the petitioner that in pursuance of the interim order passed by this Court, the petitioner is continuing as Teaching Assistant (temporary) at the Post Graduate Centre, at Kakinada.

7. In view of the above, without expressing any opinion, on merits, the respondents are directed to continue the petitioner in the same post on the same terms and conditions as on today and consider the feasibility of absorbing him in regular post of lecturer either in the existing vacancy or in the future vacancies.

8. With the above observation, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,J.

Date: 24th June 2005.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice-Chancellor,
   Andhra University, Waltair,
   Visakhapatnam, A.P.

2. The Registrar,
   Andhra University, Waltair,
   Visakhapatnam, A.P.

3. Special Officer,
   Dept., of Politics & Public Admn.,

AU MSN PG Centre, Kakinada.

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